

# Grant County Planning Commission

## January 24<sup>th</sup>, 2005

The January 24 2005 regular meeting of the Planning Commission was called to order by Chairman John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Nick Kinman, Bill Marksberry, Nancy Duley, Dan Scroggins, William Covington, Howard Brewer Jr., Marlon Kinsey, Rick Dalton, Attorney: Tom Neinaber, Engineer: Ray Erpenbeck, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

### **ITEM 1: NOVEMBER MINUTES**

Dan Scroggins made a motion to approve the meeting minutes for November, Vernon Webster seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 2: NOVEMBER AND DECEMBER FINANCIAL REPORT**

Vernon Webster made a motion to approve the November financial report, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Dan Scroggins made a motion to approve the December financial report, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 3: ADMINISTRATORS REPORT**

None

### **ITEM 8: LUBRECHT LAND DIVISION - PRELIMINARY PLAT**

Mr. Wallace said that this was tabled from the last Commission meeting so that the Commission could review a Driveway Maintenance Agreement for the proposed common driveways. Mr. Wallace presented the Agreement to the Commission and stated that Mr. Neinaber had reviewed the Agreement.

Mr. Neinaber stated that Mr. Wallace had sent the proposed agreement to him and he had suggested some changes and Mr. Wallace has made those changes. He said that the agreement will be recorded in the County Clerks Office. He said that this agreement covers all the concerns with how the common driveway would be kept up.

Mr. Wallace stated that the agreement would be recorded as soon as the plat was recorded.

Jonathan stated that the Commission has also requested to see the topography of the land because flag lots can only be used when the topography of the land is so that it would not be able to construct an actual roadway.

Mr. Wallace said that they had also provided the topography the Mr. Erpenbeck and he assumed that his recommendation was the same.

Mr. Erpenbeck stated that his recommendation had not changed.

Chairman John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Chairman John Lawrence stated that he was afraid that this plat was just a misuse of the flag lots.

Jonathan stated that they could take the flag lots out of the Subdivision Regulations.

Dan Scroggins said he felt that the Commission's hands were tied because these lots were allowed in the Subdivision Regulations.

Chairman John Lawrence stated that some land just can't be divided.

Dan Scroggins said that he agreed that this looked like abuse of the regulations but there is a provision in the Regulations for these types of lots.

Vernon Webster said that the agreement stated that a lien could be placed on the property and asked if this were to happen when the lien would be paid.

Mr. Neinaber stated that if a property owner does not pay their portion of the maintenance or repairs of the driveway then there could be a lien placed on their property. He said that this lien would be just like a tax lien or a mortgage. He said that this lien would show up in a title search and there would not be a clear title to the property. He also said that the agreement gives the association the right to foreclosure action and force the sale of the property to pay for contributions to the maintenance of the driveway.

Dan Scroggins said that he was concerned with Paragraph 4 that stated that each lot would contribute 20% of the cost. He asked why it didn't read that lots 4&5 pay 50% each for their driveway and lots 2&3 pay 50% each for their driveway.

Logan Murphy said that there would only be one driveway for all of those lots and it would be on the West side of the property.

Dan Scroggins stated that it was not shown that way on the plat.

Jonathan said that the lots were laid out to meet the minimum flag lot requirements and they do not have to use the flag portion of the lot for the driveway.

William Covington asked if the developer was building the driveway himself.

Mr. Wallace stated that the owners' house would be on lot #5 and he would build the driveway himself.

William Covington asked what the driveway would be made of and if it would be required to meet the county specifications.

Jonathan stated that there were not specifications on the density of driveways in the County.

Dan Scroggins asked if it could be a gravel lane.

Jonathan stated that it could be a gravel lane and he would like to see some sort of requirement that says the land owners will not ask the City of Williamstown to take over maintenance of the lane.

Mr. Wallace stated that in order for the City to take over maintenance the lane would have to be up to their specifications anyways.

Vernon Webster made a motion to approve the plat with Driveway Maintenance Agreement submitted, Howard Brewer Jr. seconded the motion. A roll call vote was taken, Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, Nancy Duley: yes, Dan Scroggins: no, William Covington: no, Howard Brewer Jr.: yes, Marlon Kinsey: no, Rick Dalton: yes. Motion passes.

#### **ITEM 9: LUBRECHT LAND DIVISION - FINAL PLAT**

Chairman John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Howard Brewer Jr. made a motion to approve the plat with Driveway Maintenance Agreement submitted, Nick Kinman seconded the motion. A roll call vote was taken, Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, Nancy Duley: yes, Dan Scroggins: no, William Covington: no, Howard Brewer Jr.: yes, Marlon Kinsey: no, Rick Dalton: yes. Motion passes.

The Commission discussed taking flag lots out of the regulations.

Jonathan Britt suggested that they look for an alternative to flag lots such as private roads as other counties allow.

#### **ITEM 10: MAPLE RIDGE SUBDIVISION - BOND REVIEW**

Logan Murphy stated that the original bond was posted in the amount of \$180,000.00 and they were asking that the bond be reduced to \$20,000.00 which is the cost of the improvements that have not been completed.

Chairman John Lawrence read a letter from Erpenbeck Engineers recommending that the bond requirement be reduced to \$20,000.00.

Jonathan Britt suggested that the Commission put in their motion that the new bond must meet the approval of Mr. Erpenbeck and Mr. Nienaber.

Howard Brewer Jr. made a motion to approve the reduction of the bond to \$20,000.00 and the bond must be approved by Mr. Erpenbeck and Mr. Nienaber, Nick Kinman seconded the motion. A roll call vote was taken,

Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, Nancy Duley: abstained, Dan Scroggins: yes, William Covington: yes, Howard Brewer Jr.: yes, Marlon Kinsey: yes, Rick Dalton: yes. Motion passes.

**ITEM 11: CONVEYANCE PLATS - NOVEMBER AND DECEMBER**

William Covington made a motion to approve the November Conveyances, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

Nick Kinman made a motion to approve the December Conveyances, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

**ITEM 12: EXECUTIVE SESSION**

none

**ITEM 13: OTHER BUSINESS**

Dan Scroggins said that he would no longer be serving on the Commission effective February 1st 2005 due to the fact that he was moving to Boone County.

**ITEM 11: ADJOURNMENT**

Bill Marksberry made a motion to adjourn, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

---

**JOHN LAWRENCE, CHAIRMAN - DATE**

---

**NICK KINMAN, SECRETARY - DATE**

**January 24, 2004**